IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

Crl.MC.No. 4739 of 2003(B)

CRRP.5/2003 of SESSIONS COURT, MANJERI
MC.53/2001 of JUDL. MAGISTRATE OF FIRST CLASS COURT, PARAPPANANGADI

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PETITIONER:

K.NAWAS S/O. ABDUL KHADAR, K.P.HOUSE,
KOLATTU PARAMBA, P.O. CHEVAYOOR, KOZHIKODE TALUK

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENTS:

T.THAHIRA D/O. HAMZA, THOOPATHIL HOUSE,
P.O.K.PURAM, K.PURAM AMSOM AND DESOM,
TIRUR TALUK, TANUR POLICE STATION LIMIT.

BY ADV. SRI.P.V.KUNHIKRISHNAN FOR R1
PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 13/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

Crl.M.C. NO. 4739 OF 2003

Dated this the 13th day of September, 2007

ORDER

The revision petitioner is the petitioner in M.C. 53/2001 of the Judicial First Class Magistrate, Parappanangadi under Section 3(2) of Muslim Women (Protection of Rights on Divorce) Act 1986.

2. The petitioner has sought for setting aside the orders of the courts below granting Rs.90,000/- towards the reasonable and fair provision. The evidence of PW1 and PW2, the wife and her father, is that the petitioner herein is running an upholstery shop at Kozhikode. Petitioner herein had denied the same. He had contended that he is an upholstery worker and is earning only Rs.60/- per day when he get works. It is also noted that that he is having an upholstery shop at Tanur. The court below found that the evidence would disclose that he is a skilled upholstery worker. It is in the above circumstances, that the amount payable to the wife per month was fixed at Rs.1,500/- and the same was multiplied by sixty and arrived at Rs.90,000/-.

Learned counsel for the petitioner opposed the observations of the Sessions Court to the fact that even if it is assumed that the monthly expense fixed at higher rate the same is certainly compensated with the lower multiplier of 5. I find that irrespective of the above observation, it is not possible to hold that the amount ordered is excessive. It would not be proper for this Court to interfere in the above order in exercise of its inherent power under Section 482 of the Criminal Procedure Code.

The Crl.M.C is accordingly dismissed.

K.R.UDAYABHANU, JUDGE

vps

ANTONY DOMINIC, JUDGE

OP NO.16383/98

JUDGMENT

5TH SEPTEMBER, 2007